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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/094,991	06/15/1998	C. ROBERT GASPARRINI	0140-4126	9125

7590

06/07/2002

MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK, NY 10154

EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 06/07/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/094,991

Applicant(s)

Gasparini

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 1/23/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 46 and 49-56 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 46 and 49-50 is/are allowed.
- ☒ Claim(s) 51-56 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☒ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Although the last office action had an attachment of an interview summary on 9/7/02, no summary of the interview was included in the amendment filed 1/23/02. It is noted that a formal written reply must include the substance of an interview (see MPEP 713.04).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125.

Strandberg teaches the design of an apparatus for preparing a fabric comprised of a means for mounting a first supply roll having a strip of fabric wound around a beam or shaft; liquid treatment applying means for applying liquid treatment material which includes a known solvent, water, to form a soaked strip of fabric; a means for forming a soaked/impregnated and dried strip of fabric, and an excess liquid treatment means which includes elements 8 and 9 which are interposed between the solvent or liquid treatment applying means and the second supply roll. Strandberg teaches the squeeze rollers 8, 9 have means for adjusting nip pressure therebetween such that strip of fabric is saturated to functional equilibrium obviously dependent on the nip pressure. The recitation solvent is an organic solvent does not structurally further limit the

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apparatus since the Strandberg liquid treatment applying means is capable of applying a variety of liquid treatments to the fabric including those which would include an organic solvent.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125 in view of Zimmer.

Strandberg is applied for the reasons. Strandberg fails to teach the solvent applying means includes a solvent supply roll and application roller mounted in the manner set forth in claim 54. However, it would have been obvious given the modification of the Strandberg apparatus as discussed above by substituting its immersion roll with the combination of application roller and supply roller such as taught by Zimmer for the obvious advantage of greater control of the textile treating material applied to the web.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125 in view of Wenger.

Strandberg is applied for the reasons noted above. Strandberg fails to disclose that the squeezing roller is juxtaposed with the dipping roller and submerged in the solvent. However, it would have been obvious to modify the Strandberg apparatus so as to provide a squeezing roller which is juxtaposed with the dipping roller and its lower portion submerged in the solvent/liquid such as taught by Wenger for the taught advantage of increased rate of size impregnation.

Claims 51-52 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The originally filed specification fails to teach or suggest the pair of rollers are adjustable in temperature.

Claims 46 and 48-49 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Brenda Adele Lamb at telephone number 308-2056.


BRENDA A. LAMB
PRIMARY EXAMINER

BLamb:evh